

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION  
: NO. 16-130-01, -02  
v. :  
:   
CHARLES M. HALLINAN, et al. :

**O R D E R**

**AND NOW**, this **10th** day of **November, 2017**, it is hereby **ORDERED** that, as of the close of the Government's case, the out-of-court statements of the following individuals, offered by the Government against Defendants Charles M. Hallinan and Wheeler K. Neff, are not hearsay and are admitted into evidence pursuant to Federal Rule of Evidence 801(d)(2)(E):<sup>1</sup> Michael Derry, Kenneth Dubrow, Adrian Rubin, and Bryan Smith.

**AND IT IS SO ORDERED.**

s/ Eduardo C. Robreno  
**EDUARDO C. ROBRENO, J.**

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<sup>1</sup> Under Rule 801 of the Federal Rules of Evidence, a statement is not hearsay if "the statement is offered against an opposing party and . . . was made by the party's coconspirator during and in furtherance of the conspiracy." Fed. R. Evid. 801(d)(2)(E). The rule requires a court to find, by a preponderance of the evidence, that (1) the statement was made by a co-conspirator and (2) the statement was made during the course of and in furtherance of the conspiracy. See United States v. Stimler, 864 F.3d 253, 273 (3d Cir. 2017). Both requirements are met here. The individuals listed are co-conspirators of Defendants Hallinan and Neff with respect to the conspiracies charged in Counts 1, 2, and 3 of the superseding indictment.